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Chapter XII

Decision-Making and Administrative Bodies

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CHAPTER XII
DECISION-MAKING AND ADMINISTRATIVE BODIES

12.00.00 BOARD OF COUNTY COMMISSIONERS

12.00.01 POWERS AND DUTIES

The Board of County Commissioners shall have the following powers and duties under this Code:

A. ZONING

1. Initiate, review, and adopt or disapprove:
 - a. Amendments to the text of this Code and general amendments to the Official Zoning Atlas, as provided in Section 11.03.01(A).
 - b. Site-specific amendments to the Official Zoning Atlas, as provided in Section 11.03.01(B).
2. Review and decide:
 - a. Planned Unit Development Districts, as provided in Section 11.03.01(C).
 - b. Conditional Use Permits, as provided in Section 11.03.01(D).
 - c. Major Site Plans, as provided in Section 11.03.02(B)(2).
3. Review and determine whether a Class "A" Mobile Home can be defined as a detached single-family dwelling, as provided in Section 11.03.01(E)
4. Review and approve, approve with conditions or disapprove Development Agreements, as provided in Section 11.04.00.

B. PLATS (SUBDIVISION)

Review and approve, approve with conditions, or deny:

- a. Subdivision Master Plans, as provided in Section 11.03.03(F).
- b. Final Plats, as provided in Section 11.03.03(H).
- c. ROW Abandonment and Plat Vacation, as provided in Section 11.03.03(J).

C. OTHER TYPES OF DEVELOPMENT PERMITS

Review and decide:

- a. Variance Permits from Riverine Shoreline Protection Regulations in excess of ten (10) feet, as provided in Section 10.01.03.

b. Mining Permits, as provided in Section 11.03.04(H).

D. APPEALS

1. Hear and decide appeals by an applicant on a decision of the Director on a Vested Rights Special Use Permit, as provided in Section 11.03.08.

2. Hear and decide appeals by an applicant on a decision of the County Engineer on Driveway Permits, as provided in Section 11.03.04(C).

3. Hear and decide appeals by an applicant on a decision of the County Administrator on Adequate Public Facilities decisions, as provided in Chapter V.

3.4. When sitting as the Environmental Control Board, hear and decide appeals initiated by any person, officer, board, or bureau of St. Lucie County aggrieved by any decision, order, determination or interpretation of any administrative official of the County with respect to the Vegetation Protection and Preservation, Mangrove Alteration and Selective Trimming, Sea Turtle Protection, Coastal Area Protection, Wellfield Protection, Wetland Protection, and Native Upland Habitat Protection provisions of this Code, as provided in Section 11.03.05(B)(1)(b).

~~4.~~INTERPRETATIONS

~~Interpret boundaries of the various zoning districts on the Official Zoning Atlas, as provided in Section 1.06.02.~~

~~5.E.~~ OTHER POWERS AND DUTIES

Establish a schedule of fees in order to cover the costs of technical and administrative activities required by this Code, as provided in Section 11.01.04.

12.01.00 PLANNING AND ZONING COMMISSION

12.01.01 POWERS AND DUTIES

The Planning and Zoning Commission shall have the following powers and duties under this Code:

A. ZONING

1. Initiate, review, and recommend for adoption or denial to the Board of County Commissioners:

a. Amendments to the text of this Code or general amendments to the Official Zoning Atlas, as provided in Section 11.03.01(A);

b. Applications for site-specific amendments to the Official Zoning Atlas, as provided in Section 11.03.01(B).

2. Review and recommend for approval, approval with conditions, or denial to the Board of County Commissioners:

- a. Applications for Planned Unit Development Districts, as provided by Section 11.03.01(C);
- b. Applications for Conditional Use Permits, as provided in Section 11.03.01(D);

B. PLATS (SUBDIVISION)

Review and recommend for approval, approval with conditions, or denial:

- a. Subdivision Master Plans, as provided in Section 11.03.03(F).

C. OTHER POWERS AND DUTIES

1. Serve in an advisory capacity to the Board of County Commissioners and review, report, and prepare studies and investigations as requested by the Board.
2. Make its special knowledge and expertise available upon reasonable written request and authorization by the Board of County Commissioners to any official, department, board, commission, or agency of a city, county, state, or the federal government.
3. Adopt rules of procedure that are not in conflict with the provisions of this Code.
4. Serve as the St. Lucie County Local Planning Agency pursuant to the general laws of the State, and Chapter 59-1805, Laws of Florida, 1959, as amended by County Ordinance No. 71-5.

12.01.02 MEMBERSHIP

A. COMPOSITION

The Planning and Zoning Commission shall be composed of nine (9) members, who shall be appointed by the Board of County Commissioners. In addition, one (1) ~~County Commissioner~~School Board member may be appointed by the Board of County Commissioners to serve as an *ex officio*, non-voting member of the Planning and Zoning Commission.⁴

B. APPOINTMENT

Each one of the five (5) County Commissioners shall individually appoint one (1) member of the Planning and Zoning Commission whose term shall coincide with the term of the Commissioner who appointed that member. The Board of County Commissioners shall jointly appoint the other four (4) members whose initial terms shall be established by resolution of the Board of County Commissioners. The Board of County Commissioners shall jointly appoint the School Board member who shall serve in an ex officio capacity. Members appointed jointly by the Board of County Commissioners shall not serve more than two (2) consecutive full four (4) year terms. Members individually appointed by one (1) County Commissioner may serve more than two (2) consecutive full four-year terms. —A member appointed jointly by the Board of County Commissioners who has served eight (8) consecutive years or more may be appointed to a subsequent term beginning one (1) or more years after the expiration date of the previous term.

¹ NOTE: This section rewritten per discussions with staff in December 2003.

C. TERMS; COMPENSATION; EXPENSES

All members of the Planning and Zoning Commission shall be appointed for a term of four (4) years. Due to the need to stagger terms to guarantee continuity on the Planning and Zoning Commission, the initial terms of some members may be less than four (4) years. Members shall serve without compensation, but may receive travel and other necessary expenses while on official business of the Planning and Zoning Commission outside St. Lucie County.

D. QUALIFICATIONS

All members of the Planning and Zoning Commission shall be registered voters and residents of St. Lucie County for at least two (2) years preceding appointment.

E. VACATION OF SEAT

Absence from two (2) consecutive meetings or three (3) regularly scheduled meetings of the Planning and Zoning Commission in any calendar year shall vacate the seat of ~~that the~~ member, unless the member requests and the such absence is excused by the Planning and Zoning Commission or its Chairperson. A majority of the Planning and Zoning Commission members may overrule the Chairperson's decision on this matter. An excused absence and the reason for the excuse shall be duly entered in the minutes of the Planning and Zoning Commission.

F. REMOVAL

Any member of the Planning and Zoning Commission may be removed for cause by the Board of County Commissioners, at any time, provided the Board provides the member written charges of the cause for removal, a reasonable period of time before a public meeting on the matter, and provides the member an opportunity to appear at the public meeting and respond or rebut the written charges. A County Commissioner may remove the member the Commissioner individually appointed to the Planning and Zoning Commission any time, at will.²

G. FILLING VACANCY

A vacancy created on the Planning and Zoning Commission created under Sections 12.02.02(E) and (F), or upon the resignation of a member, shall be filled as follows:

1. If the member was jointly appointed by the Board of County Commission, the vacancy shall be filled by joint appointment of the County Commissioners;
2. If the member was individually appointed by a County Commissioner, that Commissioner shall appoint a new person to fill the vacancy.
3. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

H. CONFLICT

No member of the Planning and Zoning Commission shall vote upon any matter in which the member has a personal, private, or professional interest and which inures to the member's special gain or the special gain of any principal by whom the member is retained.

² ~~NOTE: The last sentence here is new, added per discussions with staff in December 2003.~~

I. REPRESENTATION BEFORE COMMISSION

No member of the Planning and Zoning Commission shall appear for or represent any person in any matter before the Planning and Zoning Commission other than the member.

12.01.03 CHAIRPERSON AND VICE-CHAIRPERSON

A. ELECTION

At the first regular meeting scheduled for January of each year, the members of the Planning and Zoning Commission shall elect one (1) of their number as Chairperson and one (1) of their number as Vice-Chairperson.

B. DUTIES OF CHAIRPERSON

The Chairperson shall preside at all meetings and hearings of the Planning and Zoning Commission, decide points of order, and appoint any committees that are deemed necessary.

C. DUTIES OF VICE-CHAIRPERSON

The Vice-Chairperson shall preside at all meetings and hearings of the Planning and Zoning Commission, and decide points of order in the absence of the Chairperson.

D. ABSENCE OF CHAIRPERSON AND VICE-CHAIRPERSON

The members of the Planning and Zoning Commission may select an additional person who shall preside over meetings in the absence of the Chairperson and Vice-Chairperson.

12.01.04 SECRETARY

A. ELECTION

At the first regular meeting scheduled for January of each year, the members of the Planning and Zoning Commission shall select one (1) of their members or an employee of the Director as a Secretary.

B. DUTIES

The Secretary, with the aid of the Director, shall keep minutes of the proceedings of the Planning and Zoning Commission, and shall maintain all records of Commission proceedings and the correspondence of the Commission.

12.01.05 STAFF

The Director and the Growth Management Department staff shall provide necessary professional support to the Planning and Zoning Commission, with the approval of the Board of County Commissioners.

1

2 **12.01.06 MEETINGS, HEARINGS, AND PROCEDURES**

3 A. REGULAR MEETINGS

4 A regular meeting of the Planning and Zoning Commission shall be held each month, except that
5 November and December meetings may be combined.

6 B. SPECIAL MEETINGS

7 Special meetings of the Planning and Zoning Commission may be called by the Chairperson of
8 the Planning and Zoning Commission, if at least twenty-four (24) hours written notice of the
9 special meeting is given to each member of the Planning and Zoning Commission.

10 C. MEETINGS OPEN TO PUBLIC

11 All meetings and hearings of the Planning and Zoning Commission shall be open to the public.

12 D. CONTINUANCE OF REGULAR MEETING

13 The Planning and Zoning Commission may continue a regular meeting if all business cannot be
14 completed on that day. The time and place of the meeting's resumption shall be stated by the
15 presiding officer at the time of continuance.

16 E. LACK OF QUORUM

17 In the event that less than a quorum is present at any proceeding of the Planning and Zoning
18 Commission, the proceeding shall be rescheduled within a reasonable period of time. The
19 Secretary shall notify, in writing, all parties and such other interested persons as may be
20 designated of the time, place, and date of the rescheduled proceeding.

21 F. RECORDS ARE OPEN TO PUBLIC

22 All records of the Planning and Zoning Commission shall be public records open to inspection at
23 reasonable times and upon reasonable notice in accordance with Section 119.01 *et seq.*, Florida
24 Statutes, the Public Records Act.

25 **12.01.07 QUORUM AND NECESSARY VOTE**

26 A. GENERAL

27 No business shall be transacted by the Planning and Zoning Commission without a quorum. A
28 quorum shall consist of at least a majority of the members of the Planning and Zoning
29 Commission.

30 B. RECOMMENDATION AND DECISION

31 All recommendations and decisions of the Planning and Zoning Commission shall require the
32 affirmative vote of a majority of the members present, unless otherwise stated in this Code.

1 **12.01.08 RECORDS**

2 The Secretary, with the aid of the Director, shall maintain all records of Planning and Zoning Commission
3 proceedings and the correspondence of the Commission.

4 **12.02.00 BOARD OF ADJUSTMENT**

5 **12.02.01 POWERS AND DUTIES**

6 The Board of Adjustment shall have the following powers and duties under this Code:

7 A. VARIANCES

8 Review and decide a Variance Permit from the dimensional, floodplain, and airport height
9 requirements of this Code, as provided in Section 10.01.00.

10 B. APPEALS

11 Hear and decide appeals by an applicant:

12 1. On an interpretation of this Code by the Director, as provided in Section 11.03.07.

13 ~~2. On a decision of a County official on Administrative Variance Permits, as provided in Section~~
14 ~~10.02.00.~~

15 ~~3.2.~~ On a decision of the Director on a Temporary Use Permit, as provided in Section
16 11.03.01(F).

17 ~~4.3.~~ On a decision of the Director on a Certificate of Zoning Compliance, as provided in
18 Section 11.03.01(G).

19 ~~5.4.~~ On a decision of the Director on Minor Site Plans, as provided in Section 11.03.02(B)(1).

20 ~~6.5.~~ On a decision of the Public Works Director on a Building Permit, as provided in Section
21 11.03.04(A).

22 ~~7.6.~~ On a decision of the Public Works Director on a Sign Permit, as provided in Section
23 11.03.04(B).

24 ~~8.7.~~ On a decision of the County Engineer on a Stormwater Management Permit, as provided
25 in Section 11.03.04(E).

26 ~~9.8.~~ On a decision of the Director on an Airport Zone Permit, as provided in Section
27 11.03.04(F).

28 ~~10.9.~~ On a decision of the Public Works Director in the enforcement or administration of
29 Section 6.05.00, *Flood Damage Prevention*.

C. OTHER POWERS AND DUTIES

1. Make its special knowledge and expertise available upon reasonable written request and authorization by the Board of County Commissioners to any official, department, board, commission, or agency of a city, county, state, or federal government.
2. Adopt rules of procedure that are not in conflict with the provisions of this Code.

12.02.02 MEMBERSHIP

A. COMPOSITION

The Board of Adjustment shall be composed of five (5) members. Each one of the five (5) County Commissioners shall individually appoint one (1) member whose term shall coincide with the term of the Commissioner who makes the appointment.

B. QUALIFICATIONS

Members of the Board of Adjustment shall be registered voters and residents of St. Lucie County for at least two (2) years preceding appointment.

C. TERMS; COMPENSATION; EXPENSES

Members of the Board of Adjustment shall be appointed for a term of four (4) years. Because a member's term coincides with the term of the County Commissioner appointing the member, the initial term of some members may be less than four (4) years. Members shall serve without compensation, but may receive travel and other necessary expenses while on official business of the Board of Adjustment outside St. Lucie County.

D. TERMS

Members of the Board of Adjustment may serve more than two (2) consecutive full four ~~(4)~~-year terms.

E. VACATION OF SEAT

Absence from two (2) consecutive meetings of the Board of Adjustment shall vacate the seat of that member, unless such absence is excused by the Board of Adjustment or its Chairperson. A majority of the Board of Adjustment members may overrule the Chairperson's decision on this matter. An excused absence and the reason for the excuse shall be duly entered in the minutes of the Board of Adjustment.

F. REMOVAL

Any member of the Board of Adjustment may be removed for cause by the Board of County Commissioners, at any time, provided the Board gives the member written charges of the cause for removal a reasonable period of time before a public meeting on the matter, and provides the member an opportunity to appear at the public meeting and respond or rebut the written charges.

G. FILLING VACANCY

If a vacancy occurs on the Board of Adjustment under Section 12.02.02(E) or (F) or upon the resignation of a member, the County Commissioner who originally appointed the member

creating the vacancy, shall appoint the new member to fill the vacancy. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

H. CONFLICT

No member of the Board of Adjustment shall vote upon any matter in which the member has a personal, private, or professional interest and which inures to the member's special gain or the special gain of any principal by whom the member is retained.

I. REPRESENTATION BEFORE BOA

No member of the Board of Adjustment shall appear for or represent any person in any matter before the Board of Adjustment other than the member.

12.02.03 CHAIRPERSON AND VICE-CHAIRPERSON

A. ELECTION

At the first regularly scheduled meeting in January of each year, the members of the Board of Adjustment shall elect one (1) of their number as Chairperson and one (1) of their number as Vice-Chairperson.

B. DUTIES OF CHAIRPERSON

The Chairperson shall preside at all meetings and hearings of the Board of Adjustment, decide points of order, and appoint any committees that are deemed necessary.

C. DUTIES OF VICE-CHAIRPERSON

The Vice-Chairperson shall preside at all meetings and hearings of the Board of Adjustment and decide points of order in the absence of the Chairperson.

D. ABSENCE OF CHAIRPERSON AND VICE-CHAIRPERSON

The members of the Board of Adjustment may select an additional person who shall preside over meetings in the absence of the Chairperson and Vice-Chairperson.

E. ADMINISTER OATHS

The presiding officer may administer oaths to witnesses at Board of Adjustment hearings and meetings.

12.02.04 SECRETARY

A. ELECTION

At the first regularly scheduled meeting in January of each year, the Board of Adjustment shall elect one (1) of their members or an employee of the Director as Secretary.

1 B. DUTIES

2 The Secretary, with the aid of the Director, shall keep minutes of the proceedings of the Board of
3 Adjustment and shall maintain all records of Board of Adjustment meetings, hearings, and
4 proceedings, and the correspondence of the Board.

5 **12.02.05 STAFF**

6 The Director and the Director's staff shall provide necessary professional support to the Board of
7 Adjustment, with the approval of the Board of County Commissioners.

8 **12.02.06 MEETINGS, HEARINGS, AND PROCEDURES**

9 A. REGULAR MEETINGS

10 Regular meetings of the Board of Adjustment shall be held each month, or as determined by the
11 Chairperson.

12 B. SPECIAL MEETINGS

13 Special meetings may be called by the Chairperson, provided that twenty-four (24) hours notice
14 of the meeting is given to each member of the Board of Adjustment.

15 C. ALL PROCEEDINGS OPEN TO PUBLIC

16 All proceedings of the Board of Adjustment shall be open to the public.

17 D. CONTINUANCE OF MEETINGS

18 The Board of Adjustment may continue a regular meeting if all business cannot be completed on
19 that day. The time and place of the meeting's resumption shall be stated by the presiding officer
20 at the time of continuance.

21 E. MEETING RE-SCHEDULED IF LACK OF QUORUM

22 In the event that less than a quorum is present at any proceeding of the Board of Adjustment, the
23 proceeding shall be rescheduled within a reasonable period of time. The Secretary shall notify in
24 writing, all parties and such other interested persons as may be designated, the time, place, and
25 date of the rescheduled proceeding.

26 F. ~~RECORDS~~ PUBLIC RECORDS

27 All records of the Board of Adjustment shall be public records open to inspection at reasonable
28 times and upon reasonable notice in accordance with Section 119.01 *et seq.*, Florida Statutes,
29 the Public Records Act.

30 **12.02.07 QUORUM AND NECESSARY VOTE**

31 A. GENERAL

32 No meeting of the Board of Adjustment shall be held without a quorum. A quorum shall consist of
33 three (3) members.

B. VOTE

The affirmative vote of three (3) members of the Board of Adjustment shall be required to approve a Variance Permit, or to reverse decisions of the Director, the County Engineer, the Public Works Director, or any other administrative official of the County. All other recommendations and decisions of the Board of Adjustment shall require the affirmative vote of the majority of members present.

12.03.00 COUNTY ADMINISTRATOR

12.03.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties that may be conferred on the County Administrator by other provisions, the County Administrator shall have the following powers and duties under this Code.

A. APPEALS

Review and decide the following appeals:

1. Adequate Public Facilities (Chapter V)
2. Required Vegetation Mitigation (Section 11.03.04(D)).
3. Vested Rights Special Use Permits (Section 11.0703.008).

~~B. DEVELOPMENT AGREEMENTS~~

~~Review Development Agreements in accordance with Section 11.04.00.~~

12.04.00 GROWTH MANAGEMENT DIRECTOR

12.04.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties that may be conferred on the Growth Management Director by other provisions, the Growth Management Director or a designee shall also have the following powers and duties under this Code:

A. ZONING

1. Review and make decisions on ~~Minor Site Plans, as provided in Section 11.03.02(B)(1).~~
- ~~1. Administrative Variance Permits, as provided in Section 10.02.00.~~
- ~~2. Temporary Use Permits, as provided in Section 11.03.01(F).~~
- ~~3. Certificates of Zoning Compliance, as provided in Section 11.03.01(G).~~
- ~~4. Minor Site Plans, as provided in Section 11.03.02(B)(1).~~

2. Whenever a use is not specifically listed in Section 3.01.03 or in the administrative use regulations, make a determination as to whether the proposed use is a use permitted by this Code, in accordance with Section 3.01.01.

B. OTHER TYPES OF DEVELOPMENT PERMITS

Review and make decisions on:

1. Airport Zone Permits, as provided in Section 11.03.04(F).

~~Wetlands Permits, as provided in Section 11.03.04(G).~~

2. Wastewater and Sewage Compliance Permit, as provided in Section 11.03.04(I).

3. Variances from Riverine Shoreline Protection Standards of ten (10) feet or less, as provided in Section 10.01.03.

C. INTERPRETATIONS

Interpret the provisions of this Code, as provided in Section 11.03.07.

D. VESTED RIGHTS

Review and make decisions on Vested Rights Special Use Permits, as provided in Section 11.03.08.

E. ADMINISTRATIVE VARIANCES

Review and make decisions on Administrative Variances, as provided in Section 10.02.00.

F. OTHER POWERS AND DUTIES

1. Review and make decisions on Certificates of Capacity Exemption and Certificates of Capacity Variances, as provided in Section 5.0002.00.

2. Serve as staff planner to the Board of County Commissioners, the Planning and Zoning Commission, and the Board of Adjustment, including the provision of aid and technical assistance in:

a. The initiation, processing, and review of applications for text amendments and general amendments to the Official Zoning Atlas, as provided in Section 11.03.01(A).

b. The initiation, processing, and review of applications for site-specific amendments to the Official Zoning Atlas, as provided in Section 11.03.01(B).

c. The processing and review of applications for Planned Unit Development Districts, as provided in Section 11.03.01(C).

d. The processing and review of applications for Conditional Use Permits, as provided in Section 11.03.01(D).

- e. The processing and review of Major Site Plans, as provided in Section 11.03.02(B)(2).
 - f. The processing and review of applications requesting a Class “A” Mobile Home be defined as a detached single-family dwelling, as provided in Section 11.03.01(E).
 - g. The processing and review of Subdivision Master Plans, as provided in Section 11.03.03(F).
 - h. The processing and review of appeals.
 - i. The processing and review of developments of regional impact, as provided in Section 11.03.09;
 - j. The processing and review of development agreements, as provided in Section 11.04.00;
 - k. The processing and review of Variance Permits, as provided in Section 10.01.00.
3. Maintain the Official Zoning Atlas.
 4. Whenever requested to do so by the Board of County Commissioners, conduct or cause to be conducted, with the assistance of other county departments if necessary, investigations, reports, surveys, studies, maps, charts, and recommendations with respect to matters before the Board of County Commissioners, the Planning and Zoning Commission, or the Board of Adjustment.

12.05.00 PUBLIC WORKS DIRECTOR

12.05.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties which may be conferred on the Public Works Director by other provisions, the Public Works Director shall also have the following powers and duties under this Code.

A. ZONING

1. Review and make decisions on Temporary Use Permits, as provided in Section 11.03.01(F);
2. Review and decide an Administrative Variance Permit to construct an accessory agricultural structure, as provided in Section 10.02.01(B).
3. Review and decide an Administrative Variance Permit for the minimum yard setback for RVs, as provided in Section 10.02.01(C).

B. PLATS (SUBDIVISION)

1. Review and make recommendations on Preliminary Plats (and construction plans), as provided in Section 11.03.03 (G).

~~2.~~ Review and decide Lot Splits, as provided in Section 11.03.03(I).

C. OTHER TYPES OF DEVELOPMENT PERMITS

1. Review and decide Building Permits, as provided in Section 11.03.04(A).

~~2. Review and decide Certificates of Zoning Compliance, as provided in Section 11.03.01(G).~~

~~3.~~ Review and decide Sign Permits, as provided in Section 11.03.04(B).

D. OTHER POWERS AND DUTIES

Serve as the Building Official as called for under the Standard Building Code described in Section 13.00.01.

12.06.00 ENVIRONMENTAL RESOURCES DIRECTOR

12.06.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties which may be conferred on the Environmental Resources Director by other provisions, the Environmental Resources Director shall also have the following powers and duties under this Code.

A. OTHER TYPES OF DEVELOPMENT PERMITS

1. Review and decide on Vegetation Removal Permits, as provided in Section 11.03.04(D); and

Review and decide on Wetlands Permits, as provided in Section 11.03.04(G).

12.07.00 COUNTY ENGINEER

12.07.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority and duties that may be conferred on the County Engineer by other provisions, the County Engineer shall have the following powers and duties under this Code.

A. ZONING

1. Review and decide Administrative Variance Permits from the stormwater management standards, as provided in Section 10.02.01(D).

2. Review and decide Administrative Variance Permits from the driveway standards, as provided in Section 10.02.01(E).

B. OTHER TYPES OF DEVELOPMENT PERMITS

1. Review and decide Driveway Permits, as provided in Section 11.03.04(C).

2. Review and decide Stormwater Management Permits, as provided in Section 11.03.04(E).

C. OTHER POWERS AND DUTIES

- Approve the final acceptance of required improvements in accordance with Section 11.03.03(F).

12.08.00 COUNTY ATTORNEY

12.08.01 JURISDICTION; POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties that may be conferred upon the County Attorney by other provisions, the County Attorney shall have the following jurisdiction, powers and duties under this Code:

A. REVIEW AND APPROVE FORM OF REVIEW BOARD MATERIALS

To review and approve as to form all written findings of fact, conclusions of law, development orders, ordinances and other documents drafted by the County departments, the Board of County Commissioners, the Planning and Zoning Commission, the Board of Adjustment, the Environmental Control Board, or the Environmental Control Hearing Board, in connection with any requirement of this Code.

B. REVIEW AND APPROVE FORM OF OTHER RELATED MATERIALS

To review as to form all development agreements, planned development agreements, easements, declarations of covenants, letters of credit, performance bonds or such other documentation in connection with any requirement of this Code.

C. COUNSEL

To counsel the Board of County Commissioners, Planning and Zoning Commission, Board of Adjustment, Environmental Control Board, Environmental Control Hearing Board, County Administrator, Growth Management Director, County Engineer, Public Works Director, and the County departments in regard to the legal issues which may arise in the review of applications for development approval and the general implementation of this Code.

12.09.00 DEVELOPMENT REVIEW COMMITTEE

12.09.01 POWERS AND DUTIES

In addition to the jurisdiction, authority, and duties that may be conferred upon the Development Review Committee (DRC) by other provisions, the DRC shall have the following jurisdiction, powers and duties under this Code:

A. ZONING

1. Review and make recommendations on:

- a. Site specific amendments to the Official Zoning Atlas, as provided in Section 11.03.01(B);

b. Planned Unit Development Districts, as provided in Section 11.03.01(C);

c. Developments of Regional Impacts;

d. Conditional Use Permits, as provided in Section 11.03.01(D);

e. Minor Site Plans, as recommend approval, approval with conditions or denial of
Minor Site Plans to the Director, as provided in Section 11.03.02(B)(1);

f. Major Site Plans, as provided in Section 11.03.02(B)(2);

g. Subdivision Sketch Plans, as provided in Section 11.03.03(E); and

h. Subdivision Master Plans, as provided in Section 11.03.03(F);.

~~2. Review and recommend approval, approval with conditions or denial of a Major Site Plan to the~~
~~Director and Board of County Commissioners, as provided in Section 11.03.02(B)(2).~~

~~3. Review and comment on Subdivision Sketch Plans, as provided in Section 11.03.03(E).~~

~~4. Review and make recommendations on Subdivision Master Plans, as provided in Section~~
~~11.03.03(F).~~

B. PLATS (SUBDIVISION)

1. Review and decide Preliminary Plats (and construction plans), as provided in Section
11.03.03(G).

12.09.02 MEMBERSHIP

The DRC shall consist of a staff member, designated by the department head, from each of the following departments: the Growth Management Department, the Engineering Department, the Public Works Department, the Environmental Resources Department, the Utilities Department, the St. Lucie County - Ft. Pierce Fire Marshal's Office, and other such offices and agencies as are deemed necessary by the Director.

12.09.03 CHAIRPERSON

The Director or ~~the staff member appointed by the Director~~ a designee shall serve as Chairperson of the DRC. The Chairperson shall be in charge of all proceedings before the DRC and shall take such action as shall be necessary to procure the order and the integrity of proceedings of the DRC.

12.09.04 RULES OF PROCEDURE

The DRC shall, by a majority vote of the entire membership, adopt rules and regulations governing its procedure, as it may consider necessary or advisable.

12.10.00 HEARING OFFICER

12.10.01 CREATION AND APPOINTMENT

The Board of County Commissioners shall confirm one (1) or more hearing officers to hear and consider such matters as may be required to be conducted by a hearing officer under any provision of this Code or as may be determined to be appropriate. Such hearing officer(s) shall serve at the pleasure of the Board for such period as is determined by the Board. Such hearing officers shall be compensated at a rate to be determined by the Board. Whoever shall accept an appointment as a hearing officer shall, for a period of one (1) year from the date of termination as holder of such office, not act as agent or attorney in any proceeding, application or other matter before any decision-making body of the County in any matter involving land that was the subject of a proceeding which was pending during the time served as a hearing officer.

12.10.02 MINIMUM QUALIFICATIONS

A hearing officer shall have the following minimum qualifications:

A. GENERAL

Demonstrated knowledge of administrative, environmental and land use planning and law and procedures.

B. HOLD NO APPOINTED OR ELECTED OFFICE IN COUNTY

Hold no other ~~appointive~~~~appointed~~ or ~~elective~~ public office or position in the County during the period of appointment.

12.10.03 JURISDICTION, POWERS AND DUTIES

A hearing officer shall have the following powers and duties:

A. ISSUE SUBPOENAS AND COMPEL ATTENDANCE OF WITNESSES AND DOCUMENTS

To issue subpoenas to compel the attendance of witnesses and production of documents, and to administer oaths to witnesses appearing at hearings.

B. PERFORM OTHER TASKS DIRECTED BY BOARD OF COUNTY COMMISSIONERS

To perform such other tasks as the Board of County Commissioners may assign.

12.11.00 ENVIRONMENTAL CONTROL BOARD

The regulations and requirements governing the Environmental Control Board shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and Compiled Laws.

12.12.00 ENVIRONMENTAL CONTROL HEARING BOARD

The regulations and requirements governing the Environmental Control Hearing Board shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and Compiled Laws.

12.13.00 ENVIRONMENTAL CONTROL OFFICER

The regulations and requirements governing the Environmental Control Officer shall be in accordance with Chapter 2-6.5 of the St. Lucie County Code and Compiled Laws.

12.14.00 SPECIAL MASTER

The regulations and requirements governing the Special Master shall be in accordance with Section 11.03.06, *Land Use and Dispute Resolution Special Master Process*.